

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re:	:
	: Bankruptcy No. 22-13283-AMC
Claudia A. Nesmith	:
	:
Debtor.	: Chapter 13
	:
Capital One Auto Finance,	:
a division of Capital One, N.A.	:
	:
Claimant/ Respondent	:
	:

**RESPONSE TO DEBTOR'S OBJECTION TO CLAIM NO. 3**

Capital One Auto Finance, a division of Capital One, N.A. by and through its attorneys, Lavin, Cedrone, Graver, Boyd & DiSipio, files Response to Debtor's Objection to Claim No. 3 and states:

1. In response to Debtor's paragraph (1), Respondent admits the allegation.
2. In response to Debtor's paragraph (2), Respondent denies the allegations. Though payments have been received in the previous bankruptcy case, but the instant Proof of Claim has been filed accurately. The previous bankruptcy case was dismissed and not discharged. Discharge would have given the Debtor an opportunity to escape the liabilities of paying the remaining debts. But, in case of dismissal, the payoff balance and the interest of Debtor's contract rate are accumulated for the calculation of amount remaining to be paid. Consequently, the Proof of Claim is filed correctly. A copy of the payment history is attached hereto as Exhibit C.
3. In response to Debtor's paragraph (3), Respondent denies the allegation. The Court shall consider the filed Proof of Claim as is.

WHEREFORE Capital One Auto Finance, a division of Capital One, N.A. respectfully requests this Honorable Court to Overrule the Debtor's Objection to Claim No. 3.

Respectfully submitted,

LAVIN, CEDRONE, GRAVER, BOYD & DiSIPIO

DATED: 9/25/2024

By: /s/ Regina Cohen

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